

advocating for your child's education: what you need to know

By Matthew Rider and Charlene Ward

Parents of deaf and hard of hearing children in the special education system may feel overwhelmed by the amount of information they need to learn. The goal of this article is to give parents a place to begin in the effort to work with the school to ensure that their child receives an appropriate education. There are three broad areas that parents need to be familiar with: their child's rights under the Individuals with Disabilities Education Act (IDEA), their child's needs and strengths, and how to work with the school to ensure that their child's needs are met.

IDEA, originally called the Education for All Handicapped Children Act, is federal legislation that was developed in 1975. It was renamed as IDEA in 1990. It requires school districts to ensure that each of their students who is identified as needing special education services has access to an appropriate education. Even though IDEA has been around for decades, parents of deaf and hard of hearing children might find that they need to educate

school personnel about their child's needs and how they should be met under IDEA for several reasons:

- Students with hearing loss are a low-incidence population. Less than 1 percent of the student population has been identified as being deaf or hard of hearing. This means that school personnel may have limited experience with deaf and/or hard of hearing students.
- Many students with hearing loss have additional disabilities that also need to be considered; however, the number of professionals skilled in working with deaf and/or hard of hearing students with additional disabilities is limited.



Matthew Rider received his master's degree in counseling from Youngstown State University in Ohio. He was a training specialist for the Laurent Clerc National Deaf Education Center in Washington, D.C., for many years. He is a former foster father of severely behaviorally challenged youth. Rider welcomes questions and comments about this article at myunclematty@aol.com.



Charlene Ward received her master's degree in deaf education and multiple disabilities from Gallaudet University. She is the manager of School Climate for the Laurent Clerc National Deaf Education Center. She is also a mother of a special needs child. Ward welcomes questions and comments about this article at Charlene.Ward@gallaudet.edu.

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- The increasing number of students with cochlear implants brings new language and communication needs into the school.
- Other disabilities, especially physical disabilities, may be accommodated in similar ways for most students with that specific disability. For instance, most students with mobility challenges need help getting around the school building. Students with speech disabilities need speech and language services. As a result of this tendency to generalize, there are erroneous assumptions that may be made among administrators in public schools:
 - **All hearing loss is the same.** Deafness as a physical condition is measured in decibel perception. However, the ability to understand speech and other sounds at specific frequencies varies widely.
 - **All deaf students know sign language.** Communication among deaf people is varied. Deaf children who are born deaf are not immediately fluent in signed communication. Furthermore, not all deaf and hard of hearing people use the same mode of signed communication. Some students may also communicate well through spoken English. It is not a given that all deaf and hard of hearing students are proficient in American Sign Language (ASL) or that ASL is the ideal classroom communication method for them.
 - **Deaf students can get by in school with an ASL interpreter.** Deaf students may need various types of accommodations to ensure that they have access to communication and information at school. One accommodation is the use of educational interpreters, who translate spoken language into sign language for deaf students who sign and translate deaf students' sign language into spoken language. However, this type of support may not be what every deaf or hard of hearing student needs. Students vary in their needs and skills, and whether a student would benefit from using an educational interpreter depends on his or her need for visual language access and skill in using an interpreter appropriately.
 - **All sign language interpreters are fluent signers.** The provision of a sign language interpreter does not guarantee that

the deaf or hard of hearing student has full access to language and communication at school. A high degree of fluency is needed in both ASL and English, in addition to specialized training in translating between the languages, in order to effectively interpret for a student. Educational interpreters can have a wide range of proficiency, from beginner to native signer, and may have varying amounts of training. Their ability to effectively provide deaf and hard of hearing students with access, therefore, varies widely as well.

Under IDEA requirements, schools must identify the unique strengths and weaknesses of each disabled student. Ideally, evaluations should be done by trained professionals who are familiar with the school-aged deaf and hard of hearing population. Schools must then create and follow an Individualized Education Program (IEP) that will ensure that the student receives services and educational opportunities appropriate to his or her needs. An IEP is a document that identifies an individual child's needs, establishes goals for him or her, and describes the support he or she will receive to ensure that those needs are met. Each child's IEP needs to be reviewed at least annually to ensure that appropriate progress is being made towards the goals. This focus on the individual child's needs should prevent decisions from being made based on generalizations or misconceptions.

Parents are a very important part of this process. They are always part of the IEP team, and as team members who know well how the child communicates at home and in other settings as well as the child's other abilities and needs, their input is critical. Additionally, in situations where schools do not have a strong understanding of deafness, parents can help educate the school. There are many strategies parents can use to ensure that their perspectives and knowledge of their child are taken into consideration during IEP planning and to work with the school for the best possible outcome.

Since the input of each team member is so important, it is strongly encouraged that the full team be present for each part of the meeting. Some schools prepare draft IEPs prior to the actual meeting. If that is the case, the school must make it clear that the draft is a preliminary one and open to discussion and revision during the meeting. This is stated in the Federal Register, Monday, August 14, 2006, page 46678: "With respect to a draft IEP, we encourage public agency



staff to come to an IEP Team meeting prepared to discuss evaluation findings and preliminary recommendations. Likewise, parents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child's needs and the services to be provided to meet those needs. We do not encourage public agencies to prepare a

draft IEP prior to the IEP Team meeting, particularly if doing so would inhibit a full discussion of the child's needs. However, if a public agency develops a draft IEP prior to the IEP Team meeting, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents. The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for an agency to have the final IEP completed before an IEP Team meeting begins."

What You as a Parent Can Do

Make it a priority to know the law behind all the decisions regarding your child's education. Understand your child's rights under IDEA and the parts of the IEP process as well as the IEP document.

Be the Expert, Find an Expert

Learn as much as you can about your child's needs. In many cases deafness as a disability is a relatively new concept to educators, as is deafness coupled with additional disabilities. You can help your child by educating them and the school.

Any information you offer educators regarding your child's communication skills, decibel hearing loss, learning strategies, etc., will help them understand how incredibly dynamic deafness is and how the one-size-fits-all approach to deaf education is not effective. If necessary, bring an expert from outside of the school to your child's next IEP meeting to act as a consultant on deafness. Most schools for the deaf maintain a list of professionals in the area who are qualified to speak on behalf of deaf students.



If you feel the school is not meeting your child's needs because it has not evaluated him or her properly, you may request an independent educational evaluation at the school's expense. Federal law describes this as "an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question" (34 C.F.R. 300.503). So if educators need additional information, help them connect with an expert independent evaluator who will be the help they need. Your state school for the deaf may be able to help you locate an independent evaluator who is not only an expert in his or her field but who is also knowledgeable about deafness.

Be Prepared for the IEP Meeting

There are several things you can do prior to and at each annual meeting:

- Ask the school for any evaluation findings and preliminary recommendations related to your child prior to the meeting. Review all the information and come to the meeting prepared with questions, concerns, and any preliminary recommendations you may have.
- Know the team members required to attend the IEP meeting, and all the extra members who will also be attending. The IEP meeting room may be full. Be sure you understand what everyone's role is by the time the IEP discussion begins at the meeting.
- There are rules under IDEA that protect the rights of children with disabilities and their parents. They are called procedural safeguards, and they apply to IEPs as well as other parts of a child's education. Your child's school must provide you with a copy of the procedural safeguards before each meeting. The IEP administrator will also review them with you. Make sure you understand both what your rights are under the procedural safeguards and what the next steps you can take are if you disagree with the IEP team about any part of the document.
- Make sure that minutes (notes) are recorded at the meeting and that your agreement or objections are noted in those minutes. The minutes of the meeting are considered part of the IEP itself and should be included in the final version that you receive. Make sure you read the minutes and correct or clarify any disputed points before you leave the meeting.
- Always review each copy of the IEP before you, either

verbally or in writing, indicate that you agree with it. Mistakes can happen and the school can accidentally print up an invalid or older version of the IEP for you to sign.

- Understand that once the meeting is over and the IEP document is signed by all participants, that IEP is to be implemented per its time frame. Asking to change something that you overlooked in the meeting requires another IEP meeting since the IEP is a legal and binding document and cannot be changed without the approval of the IEP team.
- Continue to follow up after the meeting. By law, once the IEP is implemented, progress reports must be sent home at least as frequently as regular grade reports are sent home. Review the progress reports the school sends you indicating your child's progress towards IEP goals and objectives. Contact the appropriate service provider if you have any questions or concerns about the reports or your child's progress.

Understand the Cost of Accommodations

School administrators are aware of their responsibilities under IDEA and eager to provide needed support for students. However, while considerations of what a school can afford are not supposed to weigh into discussions about what a special education student needs, school districts are businesses and have to be fiscally responsible. As a result, IEP accommodations for students that do not have a big impact on limited financial or human resources may be approved more quickly than accommodations that have a larger impact on resources. Examples of low-impact accommodations include strategic classroom seating, special access to the school elevator for students with limited mobility, and additional testing time. More expensive accommodations such as ASL interpreters, additional staff or alternative educational placements, and mental health treatment may be weighed more carefully. School administrators may also be reticent to approve accommodations that require major systemic change to their overall school climate since such change usually involves significant expense in terms of consultation, staff training, and policy book re-writes. It is not uncommon for parents to feel the school's resistance to their requests for more complex accommodations.

If you feel your child's needs are not being addressed, it is helpful to approach your relationship with the school system from a positive, can-do perspective. In most cases, schools do not like to reach impasses over IEPs and would prefer to resolve issues directly with parents. They would rather avoid going to mediation and/or due process arbitration, which are the legal



options available to parents under IDEA procedural safeguards. These processes can be time consuming, costly, and can severely damage the collaborative relationship between the family and the school. This is not to say that it is not necessary to stand your ground sometimes on issues that are critical to your child's educational success. However, you are more likely to be successful in negotiating with a school when your relationship is not adversarial in nature.

Know the Least Restrictive Environment for Your Child

All children must receive a free appropriate public education (FAPE). IDEA requires that children be placed in the least restrictive environment (LRE) for them. In public education, there is a continuum of educational settings, and for most children with disabilities, the classroom in the neighborhood school that the child would attend if he or she were not disabled is considered the LRE. However, for deaf children, the LRE may be different. The U.S. Department of Education (2007) states, "Any setting, including a regular classroom, that prevents a child who is deaf from receiving an appropriate education that meets his or her needs including communication needs (and therefore does not allow for the provision of FAPE) is not the LRE for that individual child...the regular classroom is an appropriate placement for some children who are deaf, but for others it is not. The decision as to what placement will provide FAPE for an individual deaf child—which includes a determination as to the

LRE in which appropriate services can be made available to the child—must be made only after a full and complete IEP has been developed that addresses the full range of the child's needs."

Take the time to learn,

in your own way, what LRE means for your child. It is not a "one size fits all" mandate. What it means for your neighbor's child is not what it means for yours. As outlined above, any discussion about the LRE should not happen until the end of each IEP meeting. The IEP team must review all the information they have, identify the goals for the child, and decide on the accommodations and services the child needs. After that

discussion is complete, it is time to determine what kind of program is the least restrictive. Be able to explain what "least restrictive" means for your child and ask for clarification if the school disagrees. If you and the school continue to disagree about the LRE for your child during the IEP meeting, make sure that is documented in the minutes and get a copy at the end of the meeting. You will need that documentation if you decide to pursue mediation or due process arbitration under the procedural safeguards.

Maintain a Collaborative Relationship with the School and the IEP Team

Your child may receive support and accommodations from a variety of teachers and other professionals. Familiarize yourself with who is responsible for each aspect of your child's education. Establish a line of communication with each individual.

Stay Up to Date

Lastly, continue to educate yourself. Ask questions and search for information. There are many websites designed to support parents seeking information and advocacy advice. The U.S. Department of Education is a good place to begin. Below are some websites that are easy to navigate and can answer many of your questions.

- <http://idea.ed.gov> - U.S. Department of Education (Building the Legacy: IDEA 2004)
- www.ndepnow.org - National Deaf Education Project
- www.nichcy.org - National Dissemination Center for Children with Disabilities
- www.wrightslaw.com - Wrightslaw Special Education Advocacy

Reference

U.S. Department of Education. (2007, September). *Free appropriate public education for students with disabilities: Requirements under Section 504 of The Rehabilitation Act of 1973*. Retrieved October 9, 2009, from <http://www.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

